

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

XUAN T. NGUYEN,  
  
Plaintiff,

v.

HAMILTON EXHIBITS LLC,  
  
Defendant.

Case No. 1:19-cv-4330-JRS-DML

**DEFENDANT'S MOTION FOR CONTEMPT AND SANCTIONS**  
**FOR SPOILIATION OF EVIDENCE**

Defendant Hamilton Exhibits, LLC respectfully requests an Order dismissing Plaintiff Xuan Nguyen's Amended Complaint with prejudice as a sanction for his contempt and spoliation of critical evidence. This Motion is based upon the accompanying Brief in Support of its Motion for Sanctions for Contempt and Spoliation of Evidence, the Declaration of Scott James Preston and any other additional evidence the Court may consider in deciding this Motion.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: s/ Scott James Preston

Scott James Preston, Attorney No. 25436-49  
Jeffrey W. Parker, Attorney No. 35742-49  
111 Monument Circle, Suite 4600  
Indianapolis, Indiana 46204  
Telephone: (317) 916-2123  
Facsimile: (317) 916-9076  
scott.preston@ogletree.com  
jeffrey.parker@ogletree.com

Attorneys for Defendant, Hamilton Exhibits, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2020, a copy of the foregoing *Defendant's Motion for Sanctions for Contempt and Spoliation of Evidence* was filed electronically through the Court's electronic filing system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Amber K. Boyd  
Amber Boyd Attorney at Law  
8510 Evergreen Ave.  
Indianapolis, IN 46240  
Telephone: 317.210.3416  
amber@amberboydlaw.com

s/ Scott James Preston

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
111 Monument Circle, Suite 4600  
Indianapolis, IN 46204  
Telephone: (317) 916-2123  
Facsimile: (317) 916-9076

44192048.1